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TRANSMITTAL OF APPEAL BRIEF

Docket No.
MAVERICK 3.0-004
CONTCONTCONT

In re Application of: Peter A. Chapman and Chee-Ann Chang

Application No.	Filing Date	Examiner	Group Art Unit
10/733,129	December 11, 2003	G. K. Verbitsky	2855

Invention: WIRELESS REMOTE COOKING THERMOMETER SYSTEM

TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith is the Appeal Brief in this application.

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Dated: July 11, 2008

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MAVERICK 3.0-004 CONTCONTCONT
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Chapman et al.

Application No.: 10/733,129 Group Art Unit: 2855

Filed: December 11, 2003 Examiner: G. K. Verbitsky

For: WIRELESS REMOTE COOKING THERMOMETER SYSTEM

APPEAL BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby file this brief on Appeal to appeal from the final rejection of claims 1-8 and 10-19 mailed February 8, 2008 ("Final Rejection").

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I. REAL PARTY IN INTEREST

The real party in interest is Maverick Industries, Inc. the assignee of record.

II. RELATED APPEALS AND INTERFERENCES

Appellant is not aware of any other appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in the presently pending appeal.

III. STATUS OF CLAIMS

Claims 1-8 and 10-19 are pending in the application and on appeal. All of the claims have been rejected under 35 U.S.C. §103(a).

Claim 9 has been cancelled.

A clean copy of the claims on appeal is attached hereto as Appendix A.

IV. STATUS OF AMENDMENTS

No amendments have been made to the claims, drawings or written description subsequent to the final rejection.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The claims on appeal relate to a wireless remote cooking thermometer system. (Specification, ¶¶ **[0010]** - **[0011]**). More specifically, the claimed invention is generally directed to a system that includes two hand-held units that allow an operator to remotely monitor the status of a food item as it is being cooked. (*Id.*, ¶ **[0021]**.) A first hand-held unit is located adjacent to the food being cooked. (*Id.*) The first unit receives the internal temperature of the food being cooked from a temperature sensor to which it is connected. (*Id.*, ¶ **[0027]**.) The system further includes a microprocessor that allows the user to set a taste preference and choice preference. (*Id.*, ¶¶ **[0020]**, **[0028]**.) The system also includes a second hand-held unit that wirelessly communicates with the first unit. (*Id.*, ¶ **[0025]**.) In one aspect of the invention, the second unit advantageously allows a user to move away from the cooking location while the food is being cooked. (*Id.*, **[0009]**.) An advantage of the claimed invention is that the hand-held units allow for user mobility yet while allowing a particular food item to be monitored and cooked to the user's desired taste preference.

In accordance with the specification, claim 1 is directed to a wireless remote cooking thermometer system. (Specification, ¶ **[0010]**.) The system comprises a first hand-held unit that is positionable at a first location adjacent to the food being cooked. (*Id.* ¶ **[0011]**) The first hand-held unit includes a radio frequency transmitter operative to transmit internal temperature readings associated with the food being cooked. (*Id.*) The system also includes at least one microprocessor that is operable to calibrate taste and choice preferences associated with the food being cooked. (*Id.*, ¶¶ **[0010]**, **[0024]**.) A temperature sensor that includes a probe and that is connectable

to the first hand-held unit is included in the system for measuring the internal temperature of the food being cooked. (*Id.*, **[0021]**.) The system also includes a second hand-held unit that includes a liquid crystal display and a radio frequency receiver for reception of the internal temperature readings that are transmitted by the first hand-held unit. (*Id.*)

According to claim 2, the temperature sensor of claim 1 further comprises a substantially rigged temperature probe that includes a distal end and a proximal end. (Specification, ¶ **[0027]**.) Claim 2 further recites other structures associated with the temperature sensor including that the probe has a substantially straight section, a curved section and a flexible communication line. (*Id.*)

Claim 3 depends on claim 1, and further recites that the first hand-held unit includes a liquid crystal display for selectively displaying the taste preference. (Specification, ¶ **[0012]**.)

Claim 4 depends from claim 1. It further recites that taste preferences include rare, medium rare, medium and well done. (Specification, ¶¶ **[0012]**, **[0024]**.)

Claim 5 depends from claim 1 and claim 6 depends from claim 5. These claims recite a noise-generating unit that provides an audible signal and that is provided on the second unit. (Specification, ¶ **[0028]**.)

Claim 7 depend from claim 1 and further recites that the second unit includes a timer for timing cooking operations. (Specification, ¶ **[0010]**.)

Claim 8 also depends from claim 1 and further recites that the temperature is selectively displayed in either in Fahrenheit or Celsius. Claims 10 and 11, which also depend from claim 1, further recite limitations relating to the liquid crystal display and the type of information that is displayed thereon.

(Specification, ¶ **[0021]**.) Claim 12 depends from claim 11 and further recites that the second unit includes a depressable start/stop key for starting and stopping the timer.

Claim 13 depends from claim 2. It recites that the flexible communication line includes a plug and that the first unit includes a communication jack adapted to receive the plug. (*See*, FIG. 1.)

Independent claim 14 is directed to a wireless programmable thermometer timer system comprising a first hand-held unit that includes a radio frequency transmitter, one or more data entry keys associated with meat selection preference, taste selection preference and a first visual display for displaying temperature readings, meat selection preference and taste preference. (Specification, ¶ **[0021]**.) The system also includes a temperature sensor that has a substantially ridged temperature probe. (*Id.*) The probe is insertable in a meat that is being cooked and that is also connectable to the first hand-held unit. (*Id.*)

The system also includes a micro-processor operable to the temperature setting based on meat and taste selection preferences, monitor temperature sensor readings and communicate the readings to a radio frequency transmitter. (Specification, ¶ **[0021]**.)

Claim 14 also includes a second hand-held unit that includes a radio frequency receiver for receiving the temperature sensor readings transmitted by the first hand-held unit. (Specification, ¶ **[0022]**.)

Claims 15, 16, 17 and 18 all depend from claim 14 and recite features discussed above in relation to the dependent claims of claim 1.

Claim 19 is the last claim in the application. It is an independent claim and, although of different scope, recites the elements discussed above in relation to claims 1 and 14.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. Whether claims 1, 3-5, 8, 10, 12, 14-15 and 19 are patentable under 35 U.S.C. §103(a) over U.S. Patent 5,939,947 to Heagle et al. ("*Heagle*") and in view of U.S. Patent 6,000,845 to Tymkewicz et al. ("*Tymkewicz*").

Specifically, in rejecting claims 1, 14 and 19, the Examiner asserts that the second hand-held unit is *Heagle's* computer (citing to *Heagle*, col. 11, ll.4-15 and col. 17, ll.31-39), which, inherently, includes a microprocessor and a display. (Final Rejection 2.) The Examiner acknowledges, however, that "Heagle does not explicitly teach that the microprocessor is operable to calibrate a taste preference/choice preference (beef, chicken, etc., rare, well done, etc.), [and that] the second unit is a hand held (portable) unit. . . with the remaining limitations of claims 1, 3-5, 8, 10, 12, 14-15 and 19." (*Id.* at 2-3.)

Although the Examiner concedes that *Heagle* does not disclose a second hand held unit, she asserts that "making the [second] unit hand held/portable would not render the claims patentable since it is not regarded as inventive to merely make an old device portable or movable without producing any new and unexpected results. See *Ranco, Inc. v. Gwynn et al.*, 128 F.2d 437 [54 USPQ 3]." (*Id.* at 3.) Thus, the Examiner concludes that it would have been obvious to one skilled in the art at the time of the invention to modify the second unit so as to make it hand-held or portable. (*Id.*)

With regard to the deficiency in *Heagle* of not disclosing either taste or choice preference, the Examiner asserts that *Tymkewicz* makes up for this deficiency. Thus, the Examiner concludes that the combination of *Heagle* and *Tymkewicz* renders each of the independent claims, claims 1, 14 and 19, and the other claims identified above, obvious. (*Id.* at 3-5.)

B. Whether claims 2 and 13 are patentable under 35 U.S.C. §103 over *Heagle* and *Tymkewicz* and further in view of U.S. Patent D418,069 to Chung et al. ("*Chung*").

Claims 2 and 13 were rejected over *Heagle* and *Tymkewicz* and further in view of Chung. (Final Rejection at 4-5.) The Examiner relies on *Chung* for disclosing "a first hand-held unit having a curved rigid probe and a flexible cable (communication line)." (*Id.* at 5.) The Examiner also asserts that Chung's device "has a display selectively displaying food data/meat selection/choice (*i.e.*, beef, chicken, etc.), and thus inherently a processor (microprocessor) operative to calibrate for said meat selection/choice." (*Id.*)

C. Whether claim 7, 11 and 17 are patentable under 35 U.S.C. §103(a) over *Heagle* and *Tymkewicz* and further in view U.S. Patent 4,131,768 to Cooper ("*Cooper*").

Claims 7, 11 and 17 were rejected as being unpatentable over *Heagle* and *Tymkewicz* and further in view of *Cooper*. (*Id.*) The Examiner relies on *Cooper* for disclosing "a first unit and a remote control (second) unit 28 having an on/off, display, cooking temperature and duration control button 24." (*Id* at 6.)

D. Whether claims 6 and 16 are patentable under 35 U.S.C. §103(a) over Heagle and Tymkewicz and further in view of U.S. Patent 6,080,972 TO May ("*May*") or 5,378,874 to Holling et al. ("*Holling*").

In particular, claims 6 and 16 were also rejected under §103(a) as being unpatentable over *Heagle*, *Tymkewicz*, and *May* as discussed above. (Final Rejection at 4.) With respect to *May*, the Examiner asserts that this reference "discloses a device in the field of applicant's endeavor wherein a remote second unit/personal computer having a microprocessor and video and sound (noise generating) interface." (*Id.* at 4.) The Examiner also independently rejects claims 6 and 16 as being unpatentable

over *Heagle* and *Tymkewicz* further in view *Holling*. In this regard, the Examiner only relies on *Holling* for disclosing "a remote (second) unit having an alarm (noise generating device)." (*Id.* at 6.)

E. Whether claim 18 is patentable over 35 U.S.C. §103(a) over *Heagle* and *Tymkewicz* and further in view of U.S. Patent 5,983,783 to Archard ("*Archard*").

In particular, claim 18 was rejected as being unpatentable *Heagle* and *Tymkewicz* and further in view of *Archard*. (Id. at 7.) The Examiner relies on *Archard* for disclosing "a first hand-held unit displaying taste preferences such as medium, medium rare, rare, well done."" (*Id.* at 7.) The Examiner also relies on *Archard's* device for having "an alarm/audible signal (noise-generating unit) indicating that the temperature corresponding to the taste preferences (established/preprogrammed) has been reached." (*Id.*)

VII. ARGUMENT

As previously noted above, all the claims were rejected under 35 U.S.C §103(a) as being unpatentable over *Heagle* in combination with one or more other references (*Tymkewicz, Chung, May, Holling* and *Archard*). Although the Examiner acknowledges that *Heagle* does not disclose a microprocessor or second hand-held unit as claimed, she asserts that the other references and other teachings known in the art render the claims obvious. Applicants respectfully submit, however, that none of the references disclose a microprocessor as claimed. In addition, the recital of a portable second hand-held unit is only regarded as insignificant by the Examiner because it is considered independently of the claimed invention as a whole. But even the recent *KSR International Co. v. Teleflex Inc. et al.* Supreme Court decision made it clear that "a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in a prior art." *KSR Int'l Co.*, 127 S.Ct. 1727 (2007).

Applicants address the rejections to each of the independent claims and each of the references below.

1. Claims 1, 14 and 19 are not obvious

a. None of the references disclose a microprocessor as recited in the claims.

The Examiner's primary reference is *Heagle*. As noted above, the Examiner acknowledges that *Heagle* does not "explicitly teach" a microprocessor that is "operable to calibrate a taste preference/choice preference (beef, chicken, etc., rare, well done, etc.)." (Final Rejection at 2-3.) In addition to asserting that *Tymkewicz* makes up for this deficiency in *Heagle* by disclosing "a microprocessor operative to calibrate (establish temperature setting) for taste reference (medium, rare, etc.) and choice preference (beef, poultry, etc.)

associated with a food being cook," the Examiner also asserts that *Chung* "has a display [for] selectively displaying food data/meat selection/choice (i.e., beef, chicken, etc.), and thus, inherently a processor (microprocessor) operative to calibrate for said meat selection/choice." (*Id.* at 5.) The Examiner further asserts that the *May* reference discloses a "personal computer having a microprocessor." (*Id.* at 4.) We address each of the Examiner's assertions and the references in turn.

Tymkewicz discloses a temperature sensing and indicating device that includes a housing and an arm that is retractable into and out of the housing. (*Tymkewicz*, abstract.) Although *Tymkewicz* discloses use of a microprocessor in his device, the microprocessor is not disclosed as being "operative to calibrate a taste reference and a choice preference associated with the food being cooked," as is recited, for example, in claim 1. Rather, *Tymkewicz* discloses that the microprocessor is only used to account for the difference between the actual measured temperature and the "temperature-proportional digital signal." (*Id.*, col. 2, ll.31-39; col. 6, ll.21-40; col. 7, ll.27-30.) The claims in *Tymkewicz* also indicate that the microprocessor is only disclosed as being operative to perform that function. (*Id.*, see claims 9 and 15.) Significantly, *Tymkewicz* does not disclose his processor as being operative to select a meat preference or choice preference.

More specifically, FIG. 7 of *Tymkewicz* and its accompanying description make it clear that it is the user who determines choice preference by viewing "the analog indication 242 in relation to the indication of the appropriate cooking temperature for a food substance to make an immediate and accurate determination of the cook status of food substance." (Id., col. 7, ll.55-59.) Thus, *Tymkewicz* is not only deficient

in that it does not show a microprocessor as claimed, but it also teaches away from using a microprocessor to calibrate a taste preference and a choice preference associated with the food being cooked. To sum, it teaches that the user has to make taste preference determinations. This teaching is entirely in line with the prior art, but is expressly opposite to the claimed invention.

Further in that regard, although the Examiner does not assert that *May's* device is operable to calibrate either a taste preference or meat selection, it is instructive that *May* teaches an entirely different way of cooking food to a desired choice. *May* discloses a "universal programmable oven system [that] uses a microprocessor based control board to control the current flowing into a bank of heating elements." (*May*, col. 5, ll.46-50.) The system includes a front panel that is located on the oven and remotely located personal computer that can be used to control the front panel. (*Id.*, FIG. 2 and col. 5, ll.1-3; FIG. 4 and col. 8, ll.11-14.) The system provides "the selection of four operational functions: Preheat, Roast, Probe and Hold." (*Id.*, col. 6, ll.14-16.) The oven unit also includes a timer unit and a display unit. (*Id.*, col. 6, ll.21-40.) The display unit can display the actual and set temperature for the food being cooked. The remote personal computer is used to control the functions of the oven available on the front panel. (*Id.*, col. 8, ll.21-31.) *May*, however, does not disclose that the microprocessor is operative to calibrate a taste or choice preference. In fact, what *May* does disclose is that in cooking food a user can use all the keys on the front panel (or control them remotely via a computer) by setting the time and temperature sequence. (*May*, FIG. 3 and accompanying description.) But that is no different than *Heagle*.

The Examiner also asserts that *Chung* "inherently" discloses a "microprocessor" operative to calibrate for meats selection/choice. Although *Chung* may show a meat selection and temperature on its display, the Examiner makes a large leap in assuming that *Chung* includes a microprocessor. In this regard, *Archard* is instructive. In fact, *Archard* shows an electronic chef's fork that includes a display, which coincidentally is labeled "BEEF," as well as discrete word areas 31, 32, 33 and 34 are labeled with words generally associated with a doneness level. However, *Archard* does not disclose a microprocessor nor discloses that such a processor is necessary to carry out its function.

Indeed, FIG. 7 of *Archard* establishes that a microprocessor is not necessary to perform the functions asserted as being performed by a microprocessor in *Chung*. *Archard's* FIG. 7 "discloses digital circuitry of the preferred embodiment." (*Archard*, Col. 6, ll.21-34.) Although that circuitry is described as capable of being included on a chip, nowhere does *Archard* teach it may comprise a microprocessor. Rather, *Archard* teaches that a microprocessor is not needed. Therefore, *Archard* establishes that *Chung's* design patent does not "inherently" include a microprocessor. Inherency after all, cannot be established by mere probabilities or possibilities. (M.P.E.P. §2112, p. 2100-47.)

b. A second hand held unit is not disclosed

To overcome the deficiency in *Heagle* of not disclosing a second hand-held unit, the Examiner initially asserts that making the second unit hand-held would not render the claims patentable. (Final Rejection 3.) The Examiner supports this conclusion by noting that "merely making an old device portable and movable without producing any new and unexpected results" does make that device patentable. (*Id.*) Applicants respectfully

submit that this conclusion is reached only by viewing the claim elements in isolation, rather than the entire combination as a whole. In that regard, when viewed as a whole the claimed system does not make "an old device portable." This is so because the prior art does not disclose the claimed system. The claims do not simply make an "old device portable." In particular, the prior art of record requires that the user return to a particular location to determine whether food is cooked to his/her satisfaction each and every time.

As previously noted above, the Examiner also asserted that *May* makes up for the other deficiency in *Heagle* by disclosing "a second unit/hand-held unit/personal computer." (Final Rejection 4.) Applicants respectfully submit that *May* does not disclose a second hand held unit at all. *May* discloses a desktop personal computer. (*May*, see FIG. 4 and its accompanying description.) As clearly seen in FIG. 4 and described by *May*, the personal computer 200 is not portable. In addition, the Examiner provides no reason why a personal desktop computer as disclosed by *May* would be considered by anyone to be a hand held device. Indeed, even to this day, no one walks around with a desktop computer or considers it a portable device. For at least this reason, applicants respectfully submit that *May* does not make up for the deficiency in *Heagle* of not disclosing or even suggesting a second hand-held device.

Indeed, *May* only discloses a remotely programmable oven controller. (*May*, Col. 5, ll. 46-50) Although the oven controller may be controlled remotely, it is only disclosed as being controlled by a personal computer. (*Id.*, Col. 8, ll. 10-20.) Furthermore, while *May* discloses that the personal computer includes software for communicating with the oven panel shown in FIG. 2, *May* includes no disclosure of taste preferences for different types of food as asserted by the Examiner. In

particular, *May* specifically discloses that the operator has to put in a program sequence to cook the food. (*Id.*, FIG. 3 and accompanying description.) Thus, it is clear that a taste preference selection is not provided by the computer. Indeed, if *May* taught a taste preference, there would be no need for the operator to input a program sequence. (*Id.*, Col. 7, l. 33- Col. 8, l. 36).

Applicants further respectfully submit that U.S. Patents 4,131,786 to Cooper ("*Cooper*") and 5,378,874 to Holling et al. ("*Holling*") do not make up for the deficiencies discussed above for *Heagle*, *Chung*, *Tymkewicz*, *Archard* and *May*. In particular, *Cooper's* remotely controllable electric oven, like May's remotely controlled oven, requires that user program the cooking sequence and does not teach or suggest a taste preference setting, nor does it include an LCD. Other than teaching a noise generating device, applicants respectfully submit that *Holling* is not pertinent.

c. Reply To Examiner's Response in Final Rejection

In the Final Rejection, the Examiner responds to the argument that *Heagle* does not teach a second hand-held unit by stating that "given the fact that we have computers of various sizes in the art in our days (i.e., portable/laptop, notebook and palm computers), the computers, in the broadest reasonable interpretation are considered to be hand-held devices since they can be carried by the operator." (Final Rejection at 7.)

Although it is unclear whether by "our days" the Examiner is referring to 1999 (the time of the invention), the prior art cited by the Examiner counsels otherwise. That is, none of the prior art cited by the Examiner shows a computer that "<u>can be carried</u> by the operator." In fact, *May* does not make-up for the acknowledged deficiency in *Heagle* of not showing a hand-held

unit. FIG. 4 of *May* clearly shows a vintage desktop computer, which cannot reasonably be considered as portable. In fact, the desktop computer of that day required an equally large monitor to be usable. As such, applicants respectfully submit that the prior art cited refutes the contention that at the time of the invention a second-hand held unit as claimed was disclosed or taught.

In responding to applicants' argument that *Tymkewicz's* microprocessor does not teach calibrating for taste and choice preferences, the Examiner responds that "*Tymkewicz* performed not only calibration for offset (as during manufacturing, as well known in the art and described in col. 7, lines 25-35), but in addition, the microprocessor [of] *Tymkewicz* performed calibration for taste (i.e., well done) and choice (i.e., pork) preferences, as described in the text and shown in FIG. 7." (Final Rejection 7.) Applicants respectfully submit that *Tymkewicz* teaches otherwise.

In particular, *Tymkewicz* teaches that the "analog indication 242 is a mark which changes in a linear fashion as the temperature sensed changes." (*Tymkewicz*, col.7, ll.8-10.) As the analog indication translates along *Tymkewicz's* display 24, it allows a user to make a determination of whether the food is cooked to his/her liking. In fact, *Tymkewicz* makes that explicit: "The user views the analog indication 242 in relation to the indication of the appropriate cooking temperature for a food substance 642 to make an immediate and accurate determination of the cook status of the food substance." (*Id.*, col.7, ll.55-59.) Thus, it is the user that determines taste and choice preferences. It is clearly not done in *Tymkewicz's* microprocessor. There is not need for speculation. *Tymkewicz* makes that fact explicit.

Accordingly, none of the references show a "microprocessor operative to calibrate taste reference and a choice preference associated with the food being cooked," as recited in claim 1. In addition, none of the references show "a micro-processor operable to establish temperature setting based on a meat selection preference and a taste selection preference," as recited in claim 14. Lastly, none of the references show "a microprocessor capable of calibration for taste preference associated with said food being cooked," as is recited in claim 19.

Moreover, the references fail to also show a second hand-held unit as claimed.

2. Secondary Considerations

In accordance with the factual inquires for determining obviousness, applicants respectfully submit the enclosed Declaration of Peter A. Chapman under 37 C.F.R. §1.132 providing evidence of non-obviousness ("Chapman Decl.").

a. Commercial Success

As stated in the declaration, a wireless meat thermometer system within the scope of the claimed invention has been offered for sale by the assignee of the present application (Maverick Industries, Inc.) since 2000. (Chapman Decl. ¶6.) In fact, by 2001, the claimed system had gained considerable fame and notoriety as evidenced by a November 22, 2001 article in The New York Times. (*Id.*, ¶8, Exh. 3.) That article describes Maverick's REDI CHEK wireless meat thermometer system, which was the first wireless meat thermometer system introduced on the market. (Chapman Decl. ¶6.) Indeed, by the time the article was published Maverick had sold over 50,000 units. (Chapman Decl. ¶7.)

As shown by the November, 2001 article, the wireless meat thermometer system sold by applicants is covered by the claims

of the present application. (*Id.*, ¶8 Exh. 3.) In particular, the system includes first and second hand-held units that communicate temperature readings taken by the first hand-held unit *via* radio frequency signals (*Id.*). The system includes a microprocessor that is operative to calibrate meat and taste preference. Further, the second hand-held unit includes a receiver and displays temperature readings receives from the first unit. In addition, the system could be programmed to "beep" when a certain temperature was reached. (*Id.*)

Since that time, the claimed system has enjoyed considerable success. For example, since first introducing a wireless meat thermometer system in 2000, the assignee of the present application has sold over 750,000 wireless meat thermometer systems (*Id.*, ¶10, Exhs. 1, 2, 4 and 5.) The sales charts in these exhibits demonstrate the commercial success of the claimed system. In particular, these charts show that since its introduction, the wireless thermometer system sold by the assignee averaged sales of more than 100,000 units per year. These sales figures are particularly significant since prior to applicants' introduction of a wireless meat thermometer system such systems were not available on the market. (Chapman Decl. ¶10.) Indeed, applicants created a new market for such systems. A market in which more than **three-quarters of a million** wireless meat thermometer systems covered by the claims of the present application, and similar to that shown in The New York Times Article, have been sold by Maverick. (Chapman Decl., ¶10, Exhibits 1, 2, 4 and 5.)

Significantly, since first introducing wireless meat thermometer systems to the market, such systems have become the number one volume dollar seller of Maverick's business. (*Id.*, ¶12, Exhs. 1, 2, 4 and 5.) This is particularly significant since prior art systems similar to *Chung's* and *Archard's* (see

pages 2 and 5 of Exh. 8 to Chapman Decl.) continue to be sold as competing products. Thus, the volume of sales by Maverick alone demonstrates the commercial success of the claimed system in creating an entirely new market. In this regard, applicants are entitled to protection of their invention in the new market they created.

b. Copying

Further establishing the non-obvious nature of the claimed invention is the compelling evidence of copying by several competitors to the assignee. (*Id.*, ¶11.) Such wireless meat thermometer systems include those sold by:

- Brookstone (see Exh. 6)
- Weber (*see* Exh. 7)
- Taylor (see Exh. 8)
- Oregon Scientific (see Exh. 9)
- JLR Gear (see Exh. 10)

(Chapman Decl., ¶11.) Each of these systems are covered by the claimed invention. The evidence of copying is particularly compelling since almost all of these vendors tout the wireless remote and taste preference features in advertising their products. (See *Id.*, Exhs. 6-9.) For example, the unit at Exhibit 6 is advertised as having the following "KEY FEATURES": (1) Wireless Transmitter; (2) Wireless LCD Receiver; and (3) Cook Meat To Perfection. (*See*, Exh. 6 at 1.) In Exhibit 7, the system is described as a "remote system" that "always knows when perfectly done is about to become over done." (*See*, Exh. 7.) In Exhibit 9, the unit is described as a "Wireless BBQ Thermometer" that "alerts you when the meat has reached the perfect temperature." (*See*, Exh. 9 at 1.) These are the very features of the claimed system, which as argued above, do not render the claims obvious. That is, each of these systems includes two

hand-held units that communicate wirelessly to indicate to a user that food is cooked to a desired taste.

c. Reply to Examiner's Response in Final Rejection

Although the law is well settled that an Examiner must consider secondary considerations if provided to them, the Examiner has responded to applicants' evidence of commercial success and copying by noting that "[a]pplicants' arguments about selling the claimed invention are irrelevant to the present rejection." (Final Rejection 7.) In this regard, applicants refer to Federal Register Vol. 72, no. 195, pp. 57526-34.

In addition, it appears that no consideration was given to evidence of copying.

Applicants again respectfully submit this evidence of commercial success, recognition and copying in accordance with the legal test for non-obvious as set forth in the *Graham* factors. (*See*, e.g. M.P.E.P. §2141 at 2100-114 - 2100-116.)

VIII. CONCLUSION

Applicants respectfully submit that in-view of the above arguments, each of the claims are allowable and respectfully request same. In particular, in view of the deficiencies in the prior art and the secondary evidence of non-obviousness, applicants respectfully submit that each of the foregoing claims are not rendered obvious.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: July 11, 2008

Respectfully submitted,

By_____

Orville R. Cockings
Registration No.: 42,424
LERNER, DAVID, LITTENBERG,
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APPENDIX A - CLAIMS

1. (previously presented) A wireless remote cooking thermometer system, comprising:

a first hand-held unit positionable at a first location adjacent food being cooked, said first hand-held unit including a radio frequency transmitter operative to transmit internal temperature readings associated with the food being cooked;

said system including at least one microprocessor operative to calibrate a taste preference and a choice preference associated with the food being cooked;

a temperature sensor for measuring the internal temperature of the food being cooked having a probe and being connectable to said first hand-held unit; and

a second hand-held unit including a liquid crystal display (LCD) and a radio frequency receiver for reception of the internal temperature readings transmitted by said frequency transmitter of said first hand-held unit.

2. (previously presented) The system as claimed in claim 1, wherein said temperature sensor further comprises a substantially rigid temperature probe having a distal end and a proximal end, said substantially rigid temperature probe including a substantially straight section adjacent the distal end of said probe and a curved section between the substantially straight section and the proximal section of said probe, wherein said proximal end of said probe is attached to a flexible communication line.

3. (previously presented) The system as claimed in claim 1, wherein said first hand-held unit includes a liquid crystal display for selectively displaying said taste preference.

4. (previously presented) The system as claimed in claim 1, wherein said taste preference include rare, medium rare, medium and well done.

5. (original) The system as claimed in claim 1, further comprising a noise-generating unit for providing an audible signal.

6. (original) The system as claimed in claim 5, wherein said noise-generating unit is provided on said second unit.

7. (original) The system as claimed in claim 1, wherein said second unit further includes a timer for timing a cooking operation.

8. (original) The system as claimed in claim 1, wherein said temperature readings are selectively displayed on said liquid crystal display of said second unit in Fahrenheit or Celsius.

9. (canceled)

10. (original) The system as claimed in claim 1, wherein said liquid crystal display of said second unit is adapted to display cooking information including a type of meat being cooked, a selected taste preference for the meat being cooked, and a measured temperature of the meat being cooked.

11. (original) The system as claimed in claim 1, wherein said liquid crystal display of said second unit is adapted to display time remaining in a cooking operation.

12. (original) The system as claimed in claim 11, wherein said second unit includes a depressible start/stop key for starting and stopping the timer.

13. (previously presented) The system as claimed in claim 2, wherein said flexible communication line of said temperature sensor includes a plug and said first unit includes a communication jack adapted to receive said plug for connecting said temperature sensor with said first unit.

14. (previously presented) A wireless programmable thermometer timer system, comprising:

a first hand-held unit having a radio frequency transmitter, one or more data entry keys associated with a meat selection preference, a taste selection preference, and a first visual display for displaying a temperature reading, the meat selection preference and the taste preference;

a temperature sensor having a substantially rigid temperature probe insertable in a meat being cooked and connectable to said first hand-held unit;

a micro-processor operable to establish a temperature setting based on the meat selection preference and the taste selection preference, monitor the temperature sensor reading and communicate the temperature sensor reading to the radio frequency transmitter; and

a second hand-held unit including a radio frequency receiver for reception of the temperature sensor reading transmitted by the radio frequency transmitter and a second visual display for displaying the received temperature sensor reading.

15. (original) The system as claimed in claim 14, wherein said taste preference includes rare, medium rare, medium and well done.

16. (previously presented) The system as clamed in claim 14, further comprising a noise-generating unit for providing an audible signal disposed within said second unit.

17. (original) The system as claimed in claim 14, wherein said second unit further includes a timer for timing a cooking operation.

18. (original) The system as claimed in claim 14, wherein said control program method further comprises providing an audible signal indicating that the established temperature setting is substantially equal to the monitored temperature sensor reading.

19. (previously presented) A wireless remote cooking thermometer system comprising:

a first hand-held unit removably positionable at a first location adjacent food being cooked, wherein said first hand-held unit operates using a radio frequency transmitter adapted to transmit temperature readings;

a temperature sensor connectable to said first hand-held unit, said temperature sensor including a substantially rigid temperature probe insertable into said food being cooked; and

a second hand-held unit including data entry keys operable for selecting a meat choice preference of the food being cooked for temperature monitoring and selecting a taste preference associated with said selected meat choice, a visual display and a radio frequency receiver adapted to receive said temperature

readings transmitted by said radio frequency transmitter, wherein said second hand-held unit is movable to a second location spaced from said first hand-held unit so as to allow for monitoring of said transmitted temperature readings during a cooking operation, wherein a microprocessor capable of calibration for taste preferences associated with said food being cooked is provided in said second hand-held unit.

APPENDIX B - EVIDENCE

Attached Declaration of Peter A. Chapman under 37 C.F.R. §1.132.

OIPE IAP22
JUL 14 2000
PATENT & TRADEMARK OFFICE

Docket No.: MAVERICK 3.0-004
CONT CONT CONT
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Chapman et al.	
Application No.: 10/733,129	Group Art Unit: 2859
Filed: December 11, 2003	Examiner: G. K. Verbitsky
For: WIRELESS REMOTE COOKING THERMOMETER SYSTEM	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RULE 132 DECLARATION OF PETER A. CHAPMAN

I, Peter A. Chapman, declare that:

1. I am Executive Vice President for Maverick Industries, Inc. ("Maverick"). I have held this position since 1997. Prior to that, from 1982 through 1997, I was National Sales Manager.

2. I hold a Bachelor's of Science Degree in Marketing from Central Connecticut State University.

3. I have been involved in the consumer houseware business since 1976, first at Gant Industries and then at Newell-Rubbermaid.

4. I am intimately familiar with the design and development of Maverick's wireless meat thermometers, including its first generation product - the REDI CHEK. Indeed, I am a co-inventor of the wireless meat thermometer

system claimed and described in the present application and initally conceived the idea to develop such a system.

5. In addition to designing the REDI-CHEK meat thermometer, I have been responsible for its sale nationally and in first bringing the product to market.

6. Maverick was the first company to introduce a wireless meat thermometer system to the market. Such units were first sold by Maverick in 2000. (See Exhibit 1.)

7. Indeed, by November, 2001, Maverick had sold over 50,000 units as is indicated in Exhibits 1 and 2.

8. In fact, by November, 2001, Maverick's REDI-CHEK wireless meat thermometer system had gained considerable fame within the cooking houseware community to the point where it was the subject of an article in The New York Times. (See Exhibit 3.)

9. The unit that is shown in The New York Times Article is covered by the claims of the present application. Indeed, Maverick continues to sell such a wireless meat thermometer system to this day. (See Exhibit 4.)

10. In that regard, since its initial introduction on 2000 Maverick had sold over 750,000 units as is indicated in Exhibits 1, 2, 4 and 5. Prior to the introduction of wireless meat thermometer systems by Maverick, no such systems existed on the market.

11. Since that time however, several of Maverick's competitors have introduced competiting products that are covered by the claims of the present application. (See Exhibits 6, 7, 8, 9, and 10.)

12. Significantly, the sales of such wireless thermometer systems have grown even in the presence of competing prior art meat thermometers including, for

example, the thermometers of *Tymkewicz*, *Archard*, and *Chung*. (See Exhibit 7, page 2.)

13. Indeed, the sale of wireless meat thermometers by Maverick is the number one dollar volume seller its thermometer business.

14. Maverick's wireless meat thermometer continues to enjoy a substantial share of the market, including in general the meat thermometer market.

I declare under penalty of perjury that, to the best of my knowledge, the foregoing is true and correct. I further state that I have been warned that willful false statements and the like may be punishable by fine or imprisionment, or both, under §1001 of title 18 of the United States code and such willful false statements may jeopardize the validity of the application or any patent resulting therefrom. I state that all statements made of my own knowledge are true and all statements made on information and belief are believed to be true.

Dated: Oct 22, 2007

Peter A. Chapman

Exhibit 1

I N V O I C E H I S T O R Y B Y I T E M S U M M A R Y

2000

Ranges: Items ET-7 Thru ET-7
Invoice Dates 01/01/00 Thru 12/31/00
All Customer Nos
All Customer Types
Summary Format
Sort By Item No

Item-Number	Item-Description	Cat	Units-Sold	Sales-Amt
ET-7	RADIO FREQUENCY REMOTE CHEK	EBC	9,371.00	391,542
	Grand Total:		9,371.00	391,542

Exhibit 2

I N V O I C E H I S T O R Y B Y I T E M S U M M A R Y

Ranges: Items ET-7 Thru ET-7X
Invoice Dates 01/01/01 Thru 12/31/01
All Customer Nos
All Customer Types
Summary Format
Sort By Item No

2001

Item-Number	Item-Description	Cat	Units-Sold	Sales-Amt
ET-7	RADIO FREQUENCY REMOTE CHEK	BBC	1,231.00	39,844
ET-72	RADIO FREQUENCY REMOTE CHEK	BBC	9,817.00	233,018
ET-72WS	RADIO FREQUENCY REMOTE CHEK	BBC	33,444.00	659,280
ET-72X	RETURN REDI CHEK REMOTE	ADJ	1.00-	225-
ET-7X	RETURN REMOTE CHEK	ADJ	2.00-	3,324-
	Grand Total:		44,489.00	928,593

Exhibit 3

374/155

HOW IT WORKS

A Thermometer That Squawks When the Bird Is Done

By SUSAN STELLIN

ONE of the more stress-inducing traditions associated with Thanksgiving, particularly for first-time hosts, is cooking the turkey. Theoretically, cooking a turkey is on the low end of the culinary difficulty scale: you wash it, you stuff it, you cover it with butter or oil and you stick it in the oven, basting occasionally.

It's getting the turkey out of the oven — or rather, knowing when to take it out of the oven — that presents the challenge. Less sophisticated chefs might recite some formula to determine when the bird is done: say, cook it 15 to 20 minutes per pound.

But those who frequent the aisles of kitchen supply stores or worry about food-borne bacteria know that the temperature of the turkey really determines when it is ready to eat. As the Betty Crocker cookbook advises, "There is no substitute for a meat thermometer for determining the doneness of a turkey."

But the Betty Crocker people probably did not envision the range of meat thermometers that would emerge as technology made its way into the kitchen. The old oven-safe mercury and dial thermometers now face competition from digital meat thermometers with electronic displays that are a far cry from the oven-door vigils and plastic pop-up timers of old.

The digital thermometers come in both the "instant read" variety, involving a metal probe meant to be used for a quick temperature check but not left in the oven, and another type that allows the probe to be left in the bird while it cooks.

In the latter case, the probe is connected by a wire to a device that sits on the counter, displaying the temperature of the meat. The unit can be programmed to beep when a certain temperature is reached.

But for truly gadget-minded chefs, some companies sell digital meat thermometers that include a wireless receiver, so multitasking cooks don't have to abandon the football game on television to check on the turkey. With these devices, available from housewares manufacturers like Maverick Industries and Nu-Temp, the metal probe inserted into the meat is wired to a transmitter outside the oven or grill.

The transmitter monitors the temperature of the meat and sends that number to a receiver via a radio frequency. "The transmitter, which is attached to the probe, sends a signal every once in a while to the receiver," said Darren Keller, operations manager for Maverick Industries, which makes a version called the Redi-Chek Remote. "The receiver then displays what it is receiving."

Mr. Keller said that the Redi-Chek unit worked within a range of 100 feet if used outdoors, say, for checking the temperature of meat on the grill. Inside, he said, "you won't get 100 feet distance through walls — it gets cut back a little bit."

Unlike mercury thermometers, which measure temperature as the heated liquid expands, most digital thermometers used in a kitchen rely on what is called a thermistor to gauge the temperature of food. Louis A. Bloomfield, a professor of physics at the University of Virginia who teaches a course called How Things Work, said that a thermistor consists of two wires that connect to a small semiconductor that could be the size of a sesame seed.

Digital thermometers are generally battery-operated. A small current is sent down one wire, passes through the semiconductor and comes back through the other wire. "The thermistor as it gets hotter will become a better conductor of electricity, and will extract less energy from each charge as it passes," Professor Bloomfield said. "If it loses only a little voltage, the thermistor is hot. If it loses a lot, it's cold." A microchip relates the voltage drop to data programmed by the manufacturer that indicates how that voltage correlates to temperature.

So what temperature indicates that a turkey is ready to eat? That is a point of contention, even among the most serious chefs. Sherleen Clausen, a culinary specialist with Butterball, a leading turkey distributor, recommends 170 degrees Fahrenheit for the breast and 180 for the thigh. "Those are what we refer to as doneness temperatures," she said. "They've really gone beyond the minimum for safety." Many chefs and cookbook authors recommend a slightly lower temperature for a moister bird.

The United States Department of Agriculture's Food Safety and Inspection Service recommends cooking a whole turkey until it reaches 180 degrees, which is hot enough to destroy harmful bacteria like salmonella and E. coli. If the bird is stuffed, the stuffing temperature should be measured separately and reach 165 degrees.

Ms. Clausen trains the staff that answers Butterball's Turkey Talk-Line (800-288-8372), which takes questions in November and December. She said that questions about how to use a meat thermometer were the fourth most common inquiry.

Even as technology has changed everything from ovens and meat thermometers to how turkeys are raised, Ms. Clausen said, callers' questions about cooking a holiday turkey have remained pretty much the same.

There has been one development, though. Since 1995 Butterball has had a Web site (www.butterball.com), and this year, perplexed cooks can even e-mail questions online.

Holiday Roasting, Remotely

... displays, like the Redi-Chek Remote, allow cooks to monitor dinner from another room. The devices use a metal probe to measure temperature, an oven-top transmitter and a receiver that can be carried away from the kitchen.

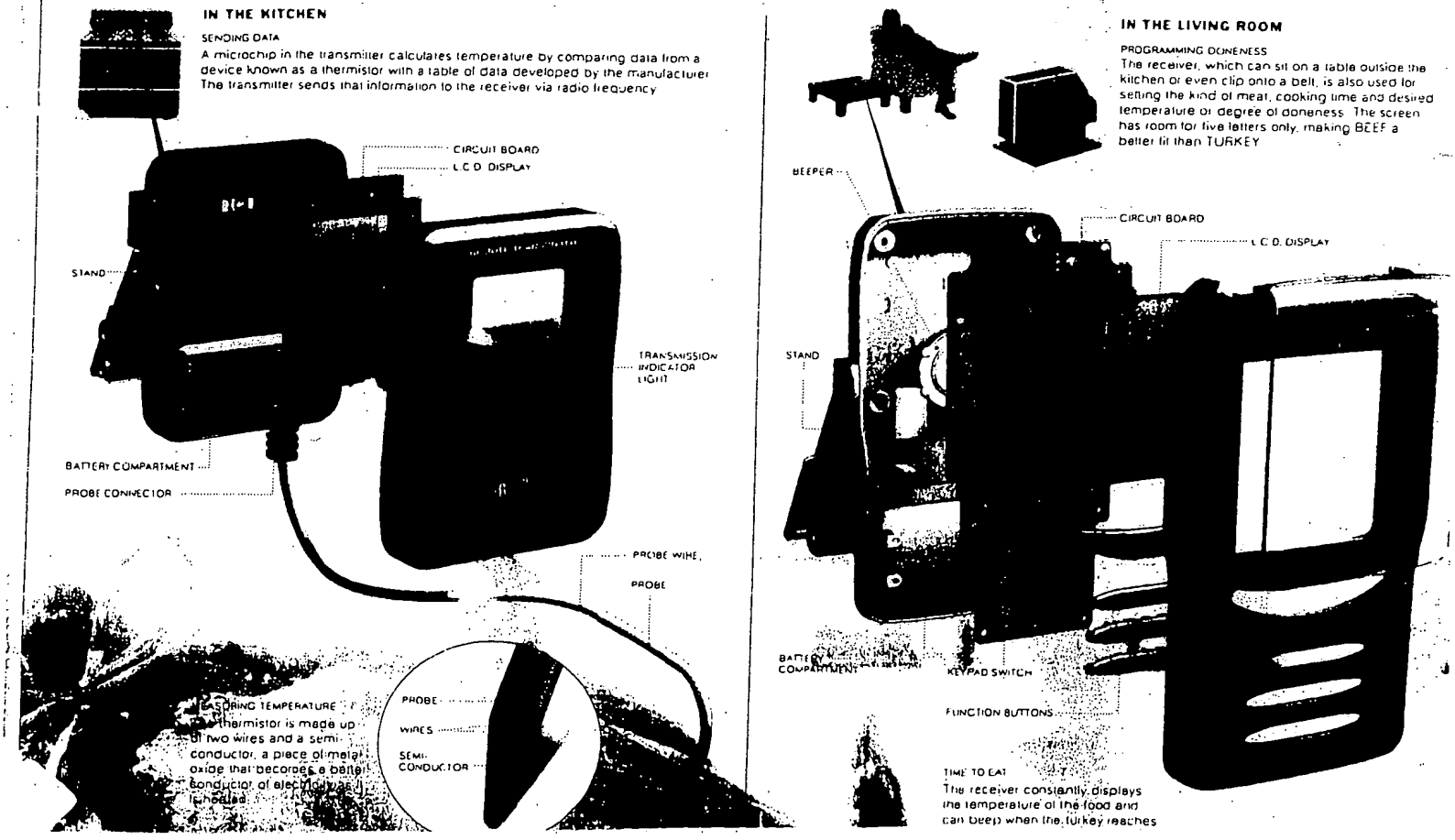


Exhibit 4

I N V O I C E H I S T O R Y B Y I T E M S U M M A R Y

Ranges: Items ET-901 Thru ET-902WS
Invoice Dates 01/01/07 Thru 09/30/07
All Customer Nos
All Customer Types
Summary Format
Sort By Item No

Item-Number	Item-Description	Cat	Units-Sold	Sales-Amt
ET-901	WIRELESS REMOTE THERMOMETER	BBC	2,733.00	68,926
ET-901 6 FT	WIRELESS REMOTE THERMOMETER	BBC	7.00	153
ET-901B	Wireless Remote Thermometer	BBC	10,553.00	184,092
ET-901BX	RETURN WIRELESS REMOTE	ADJ	113.00-	2,260-
ET-901C	WIRELESS REMOTE THERMOMETER	BBC	6.00	162
ET-901X	RETURN WIRELESS REMOTE	ADJ	2.00-	60-
ET-902WS	REMOTE COOKING THERM SILVER	BBC	18,064.00	309,064
	Grand Total:		31,248.00	560,079

Exhibit 5

I N V O I C E H I S T O R Y B Y I T E M S U M M A R Y

2002

Ranges: Items ET-7 Thru ET-7X
Invoice Dates 01/01/02 Thru 12/31/02
All Customer Nos
All Customer Types
Summary Format
Sort By Item No

Item-Number	Item-Description	Cat	Units-Sold	Sales-Amt
ET-7	RADIO FREQUENCY REMOTE CHEK	BBC	1,394.00	53,332
ET-72	RADIO FREQUENCY REMOTE CHEK	BBC	13,182.00	286,988
ET-72-SI	RADIO FREQUENCY REMOTE CHEK	BBC	6,336.00	104,544
ET-72WS	RADIO FREQUENCY REMOTE CHEK	BBC	33,792.00	545,280
ET-72X	RETURN REDI CHEK REMOTE	ADJ	0.00	1,318-
ET-7X	RETURN REMOTE CHEK	ADJ	0.00	1,431-
	Grand Total:		54,704.00	987,394

INVOICE HISTORY BY ITEM SUMMARY

Ranges: Items ET-7 Thru ET-7X
Invoice Dates 01/01/03 Thru 12/31/03
All Customer Nos
All Customer Types
Summary Format
Sort By Item No

2003

Item-Number	Item-Description	Cat	Units-Sold	Sales-Amt
ET-7	RADIO FREQUENCY REMOTE CHEK	BBC	2,984.00	72,203
ET-7/72 PROBE	FOOD PROBE FOR MODEL ET-7 &	BBC	6.00	37
ET-72	RADIO FREQUENCY REMOTE CHEK	BBC	19,209.00	398,973
ET-72-SI	RADIO FREQUENCY REMOTE CHEK	BBC	13,104.00	216,216
ET-72BBB	RADIO FREQUENCY REMOTE CHEK	BBC	13,200.00	234,570
ET-72CC	REMOTE CHEK FOOD THERMOMETER	BBC	1,028.00	20,560
ET-72WS	RADIO FREQUENCY REMOTE CHEK	BBC	31,920.00	510,720
ET-72X	RETURN REDI CHEK REMOTE	ADJ	12.00-	3,402-
ET-73	WIRELESS SMOKER THERMOMETER W	BBC	2,893.00	68,990
ET-73 FOODPROBE	FOOD PROBE FOR MODEL # ET-73	BBC	3.00	18
ET-73SMOKEPROBE	SMOKING CHAMBER PROBE FOR #	BBC	15.00	93
ET-73X	RETURN SMOKER THERMOMETER	ADJ	0.00	120-
ET-7X	RETURN REMOTE CHEK	ADJ	1.00-	854-
	Grand Total:		84,349.00	1,518,006

INVOICE HISTORY BY ITEM SUMMARY

Ranges: Items ET-7 Thru ET-7X
Invoice Dates 01/01/04 Thru 12/31/04
All Customer Nos
All Customer Types
Summary Format
Sort By Item No

2004

Item-Number	Item-Description	Cat	Units-Sold	Sales-Amt
ET-7	RADIO FREQUENCY REMOTE CHEK	BBC	4,375.00	92,211
ET-7/72 PROBE	FOOD PROBE FOR MODEL ET-7 &	BBC	6.00	18
ET-72	RADIO FREQUENCY REMOTE CHEK	BBC	43,568.00	838,175
ET-72-SI	RADIO FREQUENCY REMOTE CHEK	BBC	8,664.00	142,956
ET-72BBB	RADIO FREQUENCY REMOTE CHEK	BBC	258.00	4,530
ET-72CC	REMOTE CHEK FOOD THERMOMETER	BBC	529.00	10,560
ET-72WS	RADIO FREQUENCY REMOTE CHEK	BBC	27,864.00	445,824
ET-72X	RETURN REDI CHEK REMOTE	ADJ	50.00-	6,465-
ET-73	WIRELESS SMOKER THERMOMETER W	BBC	6,607.00	159,579
ET-73 FOODPROBE	FOOD PROBE FOR MODEL # ET-73	BBC	7.00	18
ET-73 RECEIVER	RECEIVER ONLY FOR THE # ET-73		96.00	0
ET-73SMOKEPROBE	SMOKING CHAMBER PROBE FOR #	BBC	2.00	6
ET-73X	RETURN SMOKER THERMOMETER	ADJ	194.00-	23,262-
ET-7X	RETURN REMOTE CHEK	ADJ	0.00	319-
	Grand Total:		91,732.00	1,663,831

I N V O I C E H I S T O R Y B Y I T E M S U M M A R Y

2005

Ranges: Items ET-7 Thru ET-7X
Invoice Dates 01/01/05 Thru 12/31/05
All Customer Nos
All Customer Types
Summary Format
Sort By Item No

Item-Number	Item-Description	Cat	Units-Sold	Sales-Amt
ET-7	RADIO FREQUENCY REMOTE CHEK	BBC	5,815.00	113,493
ET-7 6 FT	Dual probe remote w/2 6ft food	BBC	48.00	1,344
ET-7/72 PROBE	FOOD PROBE FOR MODEL ET-7 &	BBC	14.00	72
ET-71	REMOTE THERMOMETER WITH ONE	BBC	0.00	0
ET-71CAN	REMOTE THERMOMETER WITH ONE	BBC	204.00	2,535
ET-71HD	REMOTE THERMOMETER WITH ONE	BBC	74,440.00	703,458
ET-72	RADIO FREQUENCY REMOTE CHEK	BBC	62,997.00	1,203,673
ET-72 6 FT	Remote thermometer with 6 ft	BBC	51.00	1,155
ET-72-SI	RADIO FREQUENCY REMOTE CHEK	BBC	8,784.00	144,936
ET-72SH	REMOTE THERMOMETER WITH 1	BBC	1,008.00	19,152
ET-72WS	RADIO FREQUENCY REMOTE CHEK	BBC	23,472.00	375,552
ET-72X	RETURN REDI CHEK REMOTE	ADJ	135.00-	2,858-
ET-73	WIRELESS SMOKER THERMOMETER W	BBC	9,108.00	222,198
ET-73 6 FT	Smoker remote with 6 ft food	BBC	57.00	1,539
ET-73 FOODPROBE	FOOD PROBE FOR MODEL # ET-73	BBC	36.00	180
ET-73SMOKEPROBE	SMOKING CHAMBER PROBE FOR #	BBC	26.00	139
ET-73X	RETURN SMOKER THERMOMETER	ADJ	85.00-	2,082-
ET-74	REMOTE THERMOMETER FOR TURKEY	BBC	260.00	7,080
ET-7X	RETURN REMOTE CHEK	ADJ	13.00-	444-
	Grand Total:		186,087.00	2,791,122

INVOICE HISTORY BY ITEM SUMMARY

2005

Ranges: Items ET-901 Thru ET-901LL
Invoice Dates 01/01/05 Thru 12/31/05
All Customer Nos
All Customer Types
Summary Format
Sort By Item No

Item-Number	Item-Description	Cat	Units-Sold	Sales-Amt

*** Nothing In Range ***

2 Pages 2006

INVOICE HISTORY BY ITEM SUMMARY

Ranges: Items ET-7 Thru ET-7M
Invoice Dates 01/01/06 Thru 12/31/06
All Customer Nos
All Customer Types
Summary Format
Sort By Item No

Item-Number	Item-Description	Cat	Units-Sold	Sales-Amt
ET-7	RADIO FREQUENCY REMOTE CHEK	BBC	5,587.00	141,407
ET-7 6 FT	Dual probe remote w/2 6ft food	BBC	84.00	2,721
ET-71	REMOTE THERMOMETER WITH ONE	BBC	5,377.00	56,236
ET-71CAN	REMOTE THERMOMETER WITH ONE	BBC	8,890.00	106,634
ET-71CAN-24 PCS	REMOTE THERMOMETER PACKED 24	BBC	86.00	30,960
ET-71CANX	RETURN REMOTE THERMOMETER	ADJ	2,498.00-	30,475-
ET-71D	REMOTE THERMOMETER WITH	BBC	2,324.00	24,365
ET-71HD	REMOTE THERMOMETER WITH ONE	BBC	7,880.00	74,466
ET-71OS	REMOTE COOKING THERMOMETER	BBC	696.00	8,573
ET-71OS-24 PCS.	REMOTE COOKING THERMOMETER	BBC	48.00	14,227
ET-71X	RETURN REMOTE W/PROBE	ADJ	101.00-	1,515-
ET-72	RADIO FREQUENCY REMOTE CHEK	BBC	55,833.00	1,070,465
ET-72 6 FT	Remote thermometer with 6 ft	BBC	60.00	1,350
ET-72/73 PROBE	6 FOOT LONG REPLACEMENT PROBE	BBC	32.00	204
ET-72BBB	RADIO FREQUENCY REMOTE CHEK	BBC	24.00	408
ET-72CAN	REMOTE WIRELESS THERMOMETER	BBC	1,614.00	35,887
ET-72WS	RADIO FREQUENCY REMOTE CHEK	BBC	31,020.00	496,320
ET-72X	RETURN REDI CHEK REMOTE	ADJ	94.00-	2,091-
ET-73	WIRELESS SMOKER THERMOMETER W	BBC	8,591.00	209,918
ET-73 6 FT	Smoker remote with 6 ft food	BBC	124.00	3,321
ET-73 FOODPROBE	FOOD PROBE ONLY FOR #ET-73	BBC	79.00	474
ET-73C	WIRELESS SMOKER THERMOMETER W	BBC	18.00	398
ET-73SMOKEPROBE	SMOKING CHAMBER PROBE FOR #	BBC	47.00	282
ET-73X	RETURN SMOKER THERMOMETER	ADJ	143.00-	3,456-
ET-74	REMOTE THERMOMETER FOR TURKEY	BBC	1,196.00	28,564
	Grand Total:		126,774.00	2,269,646

I N V O I C E H I S T O R Y B Y I T E M S U M M A R Y

Ranges: Items ET-901 Thru ET-902WS
Invoice Dates 01/01/06 Thru 12/31/06
All Customer Nos
All Customer Types
Summary Format
Sort By Item No

Item-Number	Item-Description	Cat	Units-Sold	Sales-Amt
ET-901	WIRELESS REMOTE THERMOMETER	BBC	6,110.00	141,690
ET-901 6 FT	WIRELESS REMOTE THERMOMETER	BBC	6.00	162
ET-901 6FT	WIRELESS REMOTE THERM W/VOICE	BBC	24.00	648
ET-901B	Wireless Remote Thermometer	BBC	11,040.00	230,748
ET-901BX	RETURN WIRELESS REMOTE	ADJ	7,516.00-	158,500-
ET-901X	RETURN WIRELESS REMOTE	ADJ	3,161.00-	72,884-
ET-902WS	REMOTE COOKING THERMOMETER W	BBC	3,216.00	56,601
	Grand Total:		9,719.00	198,465

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INVOICE HISTORY BY ITEM SUMMARY

Ranges: Items ET-7 Thru ET-7M
Invoice Dates 01/01/07 Thru 09/30/07
All Customer Nos
All Customer Types
Summary Format
Sort By Item No

Item-Number	Item-Description	Cat	Units-Sold	Sales-Amt
ET-7	RADIO FREQUENCY REMOTE CHEK	BBC	4,766.00	114,931
ET-7 6 FT	Dual probe remote w/2 6ft food	BBC	61.00	1,857
ET-7/72 PROBE	FOOD PROBE FOR MODEL ET-7 &	BBC	22.00	135
ET-71	REMOTE THERMOMETER WITH ONE	BBC	241.00	3,288
ET-71/ET-68	WIRELESS THERMOMETER & RAPID	BBC	43,328.00	780,337
ET-71CAN	REMOTE THERMOMETER WITH ONE	BBC	1,824.00	22,663
ET-71D	REMOTE THERMOMETER WITH	BBC	19,035.00	197,262
ET-71HD	REMOTE THERMOMETER WITH ONE	BBC	64.00	711
ET-71OS	REMOTE COOKING THERMOMETER	BBC	759.00	11,143
ET-71OS-24 PCS.	REMOTE COOKING THERMOMETER	BBC	10.00	2,964
ET-71X	RETURN REMOTE W/PROBE	ADJ	114.00-	1,391-
ET-72	RADIO FREQUENCY REMOTE CHEK	BBC	35,086.00	656,564
ET-72 6 FT	Remote thermometer with 6 ft	BBC	44.00	972
ET-72/73 PROBE	6 FOOT LONG REPLACEMENT PROBE	BBC	54.00	300
ET-72CAN	REMOTE WIRELESS THERMOMETER	BBC	1,032.00	22,560
ET-72X	RETURN REDI CHEK REMOTE	ADJ	94.00-	1,941-
ET-73	WIRELESS SMOKER THERMOMETER W	BBC	6,592.00	162,864
ET-73 6 FT	Smoker remote with 6 ft food	BBC	107.00	2,688
ET-73 FOODPROBE	FOOD PROBE ONLY FOR #ET-73	BBC	59.00	316
ET-73 RECEIVER	RECEIVER ONLY FOR THE # ET-73	BBA	4.00	0
ET-73BGE	WIRELESS SMOKER THERMOMETER W/	BBC	1,200.00	23,400
ET-73C	WIRELESS SMOKER THERMOMETER W	BBC	54.00	1,297
ET-73NB	WIRELESS SMOKER THERMOMETER W	BBC	144.00	3,240
ET-73SMOKEPROBE	SMOKING CHAMBER PROBE FOR #	BBC	26.00	147
ET-73X	RETURN SMOKER THERMOMETER	ADJ	69.00-	1,713-
ET-74	REMOTE THERMOMETER FOR TURKEY	BBC	499.00	12,092
ET-74C	REMOTE THERMOMETER FOR TURKEY	BBC	72.00	1,425
ET-75	REMOTE ROTISSERIE THERMOMETER	BBC	0.00	0
ET-76FG	WIRELESS COOKING THERMOMETER	BBC	850.00	13,600
ET-77	DIGITAL ROASTING THERMOMETER	BBC	54,858.00	987,444
	Grand Total:		170,514.00	3,019,160

Exhibit 6

Store Locator Catalog Request Value Pricing Shopping Cart 0 Items My Account Order Tracking Customer Service

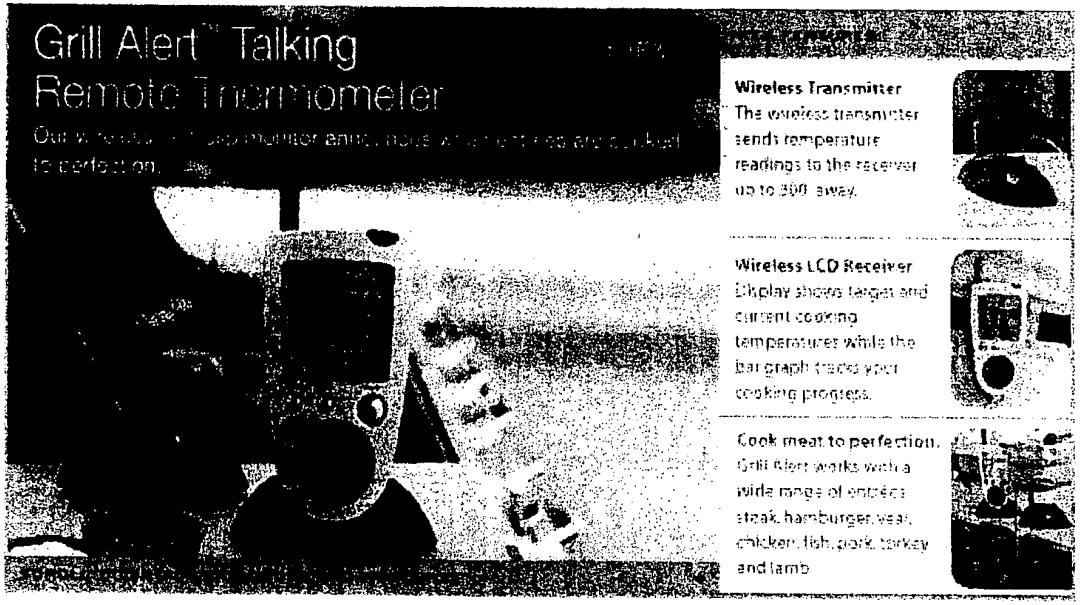
Brookstone INNOVATIONS FOR HOME AND LIFE HACKER SAFE TESTED DAILY 11-OCT SEARCH Type keyword(s) or item # GO

GIFTS BY PRICE $25 & under $50 & under $100 & under HOLIDAY DECOR holiday collection candles lighting wreaths & garland

Up to $400 Gift Card with Massage Chair Purchase

bed & bath electronics furniture games & arcade home care home office
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HOME OFFICE
KITCHEN & BAR
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Grill Alert® Talking Remote Meat Thermometer

Brookstone sku # 558783

Write a Review Read 10 Reviews

Awarded five stars by *Good Housekeeping Magazine*.

Enjoy carefree cooking with our wireless remote cooking thermometer.
Grilling on the BBQ is a great way to entertain. Constantly standing next to the grill, however, is not. Now you can have the freedom to mingle with our remote meat thermometer for BBQ. A voice prompt alerts you when your entrée is "Almost Ready" and "Ready." It's one of the hottest BBQ gifts you can give!

A remote meat thermometer for BBQ takes the guesswork out of grilling.
Insert the stainless steel probes in the center of the meat. Select the type of meat and how you would like it done. And let our wireless remote cooking thermometer do the rest while you entertain guests... or simply relax knowing that you will not overcook your food!

Brookstone BBQ gifts sizzle with innovation.
- Remote meat thermometer for BBQ works from up to 300 feet away.
- Belt clip for added freedom.
- Display backlight for convenient night grilling.
- Water resistant for easy cleanup.
- Wireless remote cooking thermometer operates at 433Mhz.
- Uses two AA batteries and two AAA batteries (not included).

Looking for tasteful BBQ gifts? Grill Alert is a prime choice.
Cook to perfection and never worry about overcooking again! Any chef could use a wireless remote cooking thermometer. They make great BBQ gifts! Order today!

Add to Cart

Service Plans | Product Reviews | More Information | Manuals & Brochures | FAQs | Designed By Brookstone | Volume Discount

PRICE: **$75.00**
In Stock

QUANTITY: 1

ACCESSORIES	QTY
Grill Alert® Replacement Probe, $15.00	0
Brookstone Protection Plus 1-Year Replacement Plan, $9.99	0
Brookstone Protection Plus 2-Year Replacement Plan, $14.99	0

Gift Wrap ($6.95) YES ○ NO ◉



Step away from the grill
The wireless transmitter sends temperature readings to the monitor up to 300' away. Just insert the stainless steel probe into the center of the meat, select the type of meat (Beef, Lamb, Veal, Hamburger, Pork, Turkey, Chicken or Fish) and choose how you want it cooked (Rare, Medium Rare, Medium or Well Done). Clip the receiver to your belt, get away from the grill and socialize with guests or work in the yard while your dinner is cooking.

Add to Cart



Voice tells you when food is done

"Your entrée is ready"
Display shows target and current cooking temperatures while the bar graph tracks your cooking progress. Cook food to perfection every time and never worry about overcooking; the voice prompts alert you when your entrée is "Almost ready" and "Ready." The display has a backlight, so you can grill well into the evening. Water-resistant design makes cleanup a snap. Great for use inside with your oven or stovetop, as well as outdoors on the grill.



You may also like...



Maxell® Batteries, AAA 4 Pack
$5.00



SAVE! Motorized Grill Brush

was ~~$25.00~~
NOW $19.99



Handle Mount Grill Light
$50.00



Maxell® Batteries, AA 4 Pack
$5.00



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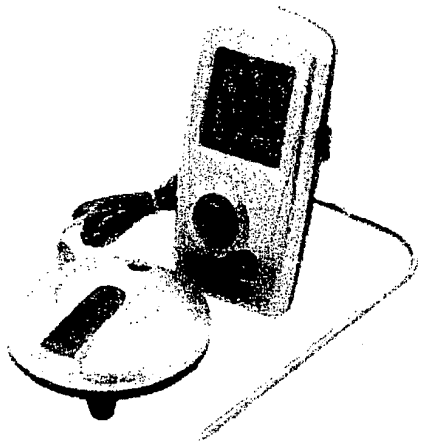
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Home Decor Health & Beauty Travel Accessories Household Outdoor & Garden Auto Accessories Tempurpedic Tools & Ideas

Exhibit 7

WEBER® GRILL SUPERSTORE

Home > Grill Accessories > Weber® Style Tools > **Beeper Digital Thermometer**



Weber®

Weber® Beeper Digital Thermometer

Get it right every time. With this easy to use remote system you will always know when perfectly done is about to become overdone.

32908

~~MSRP $39.00~~ **$35.00**

Free Shipping on all USA orders over $99!

Order by Phone: **1-866-781-0997**

Exhibit 8

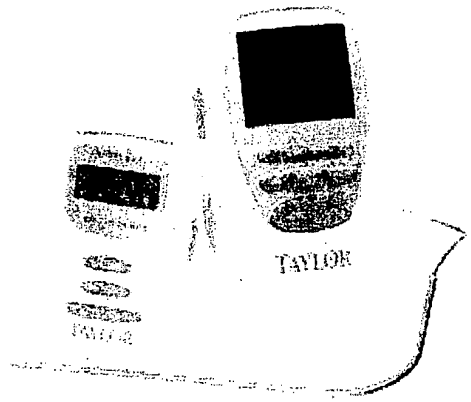
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Taylor Wireless Oven Thermometer with Remote Pager

Other products by Taylor

(34 customer reviews)

Availability: Currently unavailable. We don't know when or if this item will be back in stock.

Get it for less! Order it used

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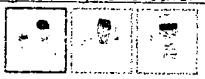
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Customers Who Bought This Item Also Bought



MIU Silicone Pothandle Holder, Blue
2) $4.99



Taylor Digital Oven Thermometer/Timer
145) $17.73



Taylor 9842 Commercial Waterproof Digital Thermometer
68) $15.45



Matfer Exopat 11-5/8-by-16-3/8-Inch Nonstick Baking Sheet
293) $11.95



Trudeau 0991105 Gravy/Fat Separator
10) $9.95

› **Explore similar items:** Kitchen & Dining (37) Books (2) Patio, Lawn & Garden (2) Health & Personal Care (1)

Product Features

- Use this for indoor in the oven or outdoor in the BBQ or Smoker
- Pager good up to 100 feet from base unit
- Stainless probe for reading internal temperature of meat.
- Base unit can act as a food timer
- On/Off Switch

Product Details

Product Dimensions: 9.6 x 8.9 x 3.2 inches

Shipping Weight: 1 pounds

Shipping: Currently, item can be shipped only within the U.S.

ASIN: B00012FQM4

Item model number: 1474.00

Average Customer Review: based on 34 reviews. (Write a review.)

Amazon.com Sales Rank: #24,181 in Kitchen & Dining (See Bestsellers in Kitchen & Dining)

Popular in this category: (What's this?)

#19 in Kitchen & Dining > Cook's Tools & Gadgets > Thermometers & Timers > **Oven & Refrigerator**

This page was created by a seller.

Select Accessories for This Item

Accessories



Rayovac A1604-8PP Alkaline 9-Volt Batteries (Eight-pack)

In Stock from Parts Express.

$12.97 ☐

Items selected: 0 | (clear all) Add selected items to cart

Product Description

Amazon.com Review

Taylor's innovative remote thermometer lets the home chef monitor cooking without being tied to the kitchen. A durable transmitter and accompanying pager work in tandem to ensure meat is never overdone. To operate, insert the transmitter's 6-inch steel probe into the main course and place it in the oven. The probe's heat resistant chord travels from inside the oven, past a closed oven door, and connects to the transmitter sitting on a nearby countertop. Control settings can be set by type of meat or user-selected temperature. When ready, the transmitter sends a signal--reaching up to 120 feet--to trigger an audible alarm. If temperature monitoring is not needed, the versatile base unit can also function as a simple timer. Both transmitter and pager feature sturdy plastic construction and offer a clear digital number display. The transmitter requires one 9-volt battery while the pager runs with two AAAs--batteries not included with purchase. This product can be used when oven cooking or grilling and comes with a 1-year warranty. -- *Amy Arnold*

What's in the Box Transmitter, pager, 6-inch steel probe.

Product Description

Get paged when your meat is ready. Whether you've been cooking for years or just a beginner, this is the timer you have been waiting for! Simple operation and use allows you to insert the probe into the food, attach the thin wire to the transmitter outside of the oven and cook without worry. The pager alerts you once the optimum temperature and time is reached. Wireless Digital Meat Thermometer With Pager That Signals Up To 120' Insert The Stainless Steel Probe Into The Meat & Plug The Wire Into The Transmitter Pre-programmed For Meat & Taste Level Programmable Temperature Settings Shows Actual Temperature & The Desired Temperature Alarm Feature Lets You Know When Ready 24 Hour Dual Timer In Thermometer & Pager Temperature Range 14 To 392 Degrees. For a limited time, receive FREE GROUND SHIPPING.

See all Product Description

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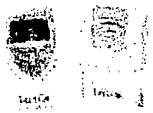
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Remote-check ET-7 Wireless Thermometer with 2 probes

51) $36.99



TAYLOR Digital Wireless Thermometer With Remote 7.13" x 2.55" x 7.13"

1) $14.95



The Original Polder 362-90 Cooking Timer and Thermometer

38) $25.00



Weber Style 6438 Professional-Grade Barbecue Beeper Digital Thermometer

86) $29.99



Pyrex Digital Probe Oven Thermometer/ Timer

82) $19.99

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Customer Reviews

34 Reviews

5 star:	(13)
4 star:	(3)
3 star:	(0)
2 star:	(4)
1 star:	(14)

Average Customer Review

(34 customer reviews)

Create your own review

New! Amazon has customer video reviews



It's easy to shoot video reviews or life's everyday moments with the Flip Video camcorder.

Most Helpful Customer Reviews

64 of 65 people found the following review helpful:

Nice unit...and it works..., February 5, 2005

By **G. Litwinski "nopcbs"** (Midland, MI United States) - See all my reviews

REAL NAME

Most Recent Customer Reviews

Good but not perfect, not perfect by far.

I purchased this probe thermometer because I started getting into real barbecuing, I mean meat smoking. It works pretty good. **Read more**

...unlike the similar Weber POS.

I bought the Weber wireless remote thermometer from Anazon. I tried using it with next to no success. The base unit would not keep communicating with the remote unit, eve hen base and remote units were a foot apart. Forget about communication with the remote inside and the base unit at your grill outside. Sent it back to Amazon.

Bought this Taylor unit. Just got it and tried it. Communication is solid and the temperature displays (sender and remote) are accurate. (Kept me from over-cooking a niceribeye I was trying to cook rare.) No problem communicating with the grill outdoors and me inside...even with 32 F weather. The displays are plenty big.

Minus is that the plastic used in the construction of the two units does not seem real rugged or very high quality. The warranty is also only one year vs. the 10 years that Taylor gives on their wired unit.

It looks promising...and at least it does work, unlike the Weber.

Comment | Permalink | Was this review helpful to you? Yes No
(Report this)

37 of 37 people found the following review helpful:

Ingenious and Functional, September 6, 2005

By J. Strachan (East Coast, USA) - See all my reviews
REAL NAME

Cook's Illustrated, a magazine that among other things extensively compares kitchen items and equipment wrote that this is the best remote meat thermometer, and I can't disagree. It is much more programmable and flexible than other makes. It works well in the oven, on the grill, in the smoker. I used it to cook a brisket for 12 hours when on vacation with my family. Having this device allowed me to leave the smoker and spend time with people instead of feeling like I had to be at the smoker to check progress all day long. The temperature seems to read acurately, the transmition range, although it may not be as long as the manufacturer states, is still very long, at least 70 feet while going through walls. I can't wait to use it for other items. Now I wish they made a remote oven

Published 1 month ago by Bradley J. Hobbs

Overall Great, occassional reset needed
Overall this has served us well. The receiver has never had trouble connecting to the main box. The construction, while cheap-looking white plastic, looks like it will hold... **Read more**

Published 5 months ago by N. Sturdivant

Really no stars
Product read 140 degrees on meat that was directly out of fridgerator. With in 1 minute product read 150 degrees. **Read more**

Published 9 months ago by Colynn A. Boyd

Taylor wireless oven thermometer
Very disappointed. Worked first time I used it but not the second time. Was told by seller that spare probes are not available. I no longer have any proof of purcahse so I'm sol. **Read more**

Published 9 months ago by Michael R. Risner

Awesome gift for the cooking enthusiast
This item was rated the highest by America's Test Kitchen. It works like a dream. Just put the probe in the right place and clip on the pager and ta-da, it beeps when the meat... **Read more**

Published 9 months ago by S. Snyder

Unit Failed
The product has a real cheap feel. I have

thermometer so I could monitor the temperature at different spots in my grill or smoker without removing the lid.

Comment | Permalink | Was this review helpful to you? Yes No
(Report this)

16 of 16 people found the following review helpful:

Taylor Very Helpful!!, May 31, 2006

By **Thornton Bryan "thorbob"** (tennessee, thar aint no place id rather be) - See all my reviews
REAL NAME

My experience couldn't be more different than the previous buyer's. My thermometer and pager link flawlessly, alerting me continuously to temperature changes, and when the pager is out of range of the base. I bought this 10/05, and when the probe died a few weeks ago, I contacted Taylor, who responded quickly by email, alerting me of the LIFETIME warranty on the device. I shipped it back to them, and they ship me a new one. Original receipt and box NOT necessary. I have found the device very accurate, reliable, and useful. It has saved many a roast, steak, etc, as I am prone to starting cooking, and getting distracted by other projects. I am very pleased.

Comment | Permalink | Was this review helpful to you? Yes No
(Report this)

Share your thoughts with other customers: Create your own review

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another unit from another manufacture and it's feels more solid and seems to work better. **Read more**

Published 9 months ago by Richard Clapp

Fantastic product so far
I have used this to cook 2 turkeys, ambeef tenderloin and a pork tenderloin on my Weber charcoal grill. This thing is awesome. **Read more**

Published 9 months ago by Dave Sea

Taylor meat thermometer
This is difficult to use, and though I've only used it a few times, it doesn't seem to be working, although I may be able to "program" it if I again read the owner's manual (for a... **Read more**

Published 9 months ago by dennie

Know food temperature while you are out of the kitchen
I have several digital probe thermometers, but each requires you to insert, read and withdraw. I wanted one that would read outside of the oven or toaster oven. **Read more**

Published 9 months ago by Gary E. Hayman

Inaccurate
I purchased this as it was top rated by Cooks Illustrated Magazine. The first use proved that it was wildly inaccurate as compared to 2 other reliable instant read thermometers... **Read more**

Published 11 months ago by J. Ray

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Discussion	Replies	Latest Post
No discussions yet		

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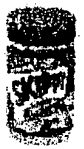
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askville by amazon



Save today with instant rebates on your favorite brands--Skippy peanut butter, McCann's Irish Oatmeal, Jolly Time popcorn, and more than 40 more. Offers valid through October 31.

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Save $15 today--plus get FREE Super Saver Shipping--when you spend $39 or more on Frito-Lay snacks, including Lay's, Doritos, Ruffles, and many more.

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Widescreen editions of TomTom's popular ONE GPS navigators feature a 4.3-inch screen and preloaded maps of the U.S. and Canada. Check out the ONE XL and the ONE XL-S with real street names.

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Exhibit 9

Oregon SCIENTIFIC

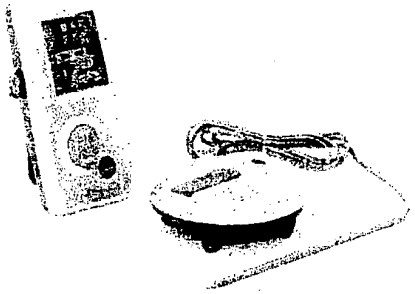
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Wireless BBQ Thermometer

(AW129)

$39.95

1 Quantity

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Know When the Food is Fully Ready to Eat Even From Up to 100 Feet Away!

No need to wait by the grill to find out when dinner is ready—this wireless thermometer alerts you when the meat has reached the perfect temperature. Program your choice of seven entrées, choose the doneness desired, and you're good to grill.

Product Features **User Manual**

- Digital LCD screen with remote wireless probe to identify temperature/readiness of meat
- Temperature sensor's range 0F to 392F
- Detachable belt clip / table stand
- Entrée programs: Beef, Lamb, Veal, Hamburger, Pork, Turkey, Chicken, & Fish
- Doneness selections: Rare, Medium Rare, Medium, Well Done
- Audio alert options: Almost ready, Ready, Overcooked, Out-of-Range
- 100 feet transmission range
- Low battery indicator

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Wireless BBQ Thermometer

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Exhibit 10


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Smart BBQ
REMOTE GRILL TEMP° METER
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• Built-in Timer
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SmartBBQ™
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Super-bright LED Light

APPENDIX C - RELATED PROCEEDINGS

None.